

DOCKET NO. SAMS01-00102
SERIAL NO. 09/542,632
PATENT

REMARKS

Claims 1-20 were pending in this application.

Claims 1-20 have been rejected.

Claim 11 has been amended as shown above. These amendments do not alter the scope of Claim 11.

Claims 1-20 remain pending in this case.

Reconsideration and full allowance of Claims 1-20 are respectfully requested.

I. CONTINUED PROSECUTION APPLICATION

The Office Action states that the request for a Continued Prosecution Application ("CPA") filed on May 12, 2003 was improper under 37 C.F.R. § 1.53(d)(1). As a result, the Office Action states that the request for a CPA was treated as a Request for Continued Examination ("RCE") under 37 C.F.R. § 1.114.

At the time the request for a CPA was filed, 37 C.F.R. § 1.53(d)(1) stated that a CPA is proper when the prior application is a "utility or plant application that was filed ... before May 29, 2000." The Applicants respectfully note that the above-identified patent application is a utility application that was filed on April 4, 2000. As a result, the request for a CPA filed on May 12, 2003 was proper and should be treated as a request for a CPA.

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II. REJECTION UNDER 35 U.S.C. § 103

The Office Action rejects Claims 1, 2, 5-7, 11, and 12 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,223,028 to Chang et al. ("*Chang*") in view of U.S. Patent No. 6,466,779 to Moles et al. ("*Moles*"). The Office Action rejects Claims 10, 16, 17, and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Chang* and *Moles* in further view of U.S. Patent No. 5,819,177 to Vucetic et al. ("*Vucetic*"). The Office Action rejects Claims 3, 4, 8, 9, 13-15, 18, and 19 under 35 U.S.C. § 103(a) as being unpatentable over *Chang*, *Moles*, and *Vucetic* in further view of U.S. Patent No. 6,314,282 to Weber et al. ("*Weber*"). These rejections are respectfully traversed.

35 U.S.C. § 103(c) states that subject matter qualifying as prior art only under 35 U.S.C. §§ 102(e), (f), (g) "shall not preclude patentability [under 35 U.S.C. § 103(a)] where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person."

The request for a CPA was properly filed, so the CPA has a filing date of May 12, 2003. Because of this, the current application qualifies for the prior art exclusion under 35 U.S.C. § 103(c). As a result, any commonly-owned references qualifying as prior art only under 35 U.S.C. § 102(e) cannot be used under 35 U.S.C. § 103(a) to reject the claims in this application.

Moles only qualifies as prior art against the current application under 35 U.S.C. § 102(e). The Applicants respectfully submit that the current application and *Moles* were, at the time the invention of this application was made, owned by Samsung Electronics Co., Ltd. In particular, the Applicants note that *Moles* shows on its face that it was assigned to Samsung Electronics Co.,

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Ltd. The Applicants also note that the current application was assigned to Samsung Electronics Co., Ltd. as shown by an assignment recorded with the U.S. Patent and Trademark Office on April 4, 2000 at Reel 010692, Frame 0241.

For these reasons, *Moles* is disqualified as prior art against this application. Because the § 103 rejection relies on *Moles*, the Applicants respectfully note that the § 103 rejection is improper. The Applicants respectfully request withdrawal of the § 103 rejection and full allowance of Claims 1-20.

III. CONCLUSION

For the reasons given above, the Applicants respectfully request reconsideration and full allowance of all pending claims and that this application be passed to issue.

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SUMMARY

If any outstanding issues remain, or if the Examiner has any further suggestions for expediting allowance of this application, the Applicants respectfully invite the Examiner to contact the undersigned at the telephone number indicated below or at *jmunck@davismunck.com*.

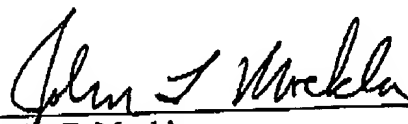
No fees are believed to be necessary for the prosecution of this application. If any fees are necessary, however, please charge the fees to Deposit Account No. 50-0208. No extension of time is believed to be necessary. If an extension of time is needed, however, the extension is requested. Please charge the fee for the extension to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

Date:

6 Nov. 2003


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